



ATTORNEY DOCKET NO. 13172.0012U1  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
Dean et al.	)	Art Unit: 1642
	)	
Application No. 09/977,868	)	Examiner: Unassigned
	)	
Filing Date: October 15, 2001	)	Confirmation No. 3745
	)	
For: "NUCLEIC ACID AMPLIFICATION"	)	

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FEB 24 2004

OFFICE OF PETITIONS

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Sir:

Pursuant to 37 C.F.R. § 1.181 and MPEP §§ 711.03(c)(I) & 711.04(c), applicants hereby petition for withdrawal of the holding of abandonment communicated in the Notice of Abandonment mailed February 6, 2004. Submitted with this Petition is a Request under 37 C.F.R. § 1.8(b) To Consider Correspondence Timely Filed.

**Remarks**

A Notice to File Missing Parts was mailed to applicants in the above-identified application on November 19, 2001. In response, applicants mailed a (1) Response to Notice to File Missing Parts, (2) Declaration and Power of Attorney for Patent Application, (3) Copy of the Notice, (4) Check in the amount of \$3,270.00 (\$370.00 filing fee; \$1827.00 additional claims over 20; \$1,008.00 additional independent claims in excess of 3; and \$65.00 surcharge for

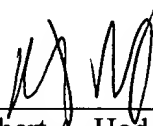
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Declaration and Power of Attorney for Patent Application), and (5) Certificate of Mailing on December 5, 2001 (a copy of each is submitted with this request). The correspondence was received in the Patent Office on January 15, 2002 as evidenced by the Patent and Trademark Office date stamp on the return postcard (a copy of which is submitted with this request). A Notice of Abandonment, mailed February 6, 2004, was received on February 9, 2004. In view of the fact that a sufficient response to the Notice to File Missing Parts was timely mailed on December 5, 2001, with a certificate of mailing pursuant to 37 C.F.R. § 1.8(a), and received in the Patent Office on January 15, 2002, and in view of the Request Under 37 C.F.R. § 1.8(b) To Consider Correspondence Timely Filed submitted with this Petition, applicants believe withdrawal of the holding of abandonment would be proper.

Favorable consideration of this Petition is earnestly solicited.

It is believed that no fee is due with this Request. However, should it be determined that a fee is due with this Request, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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Robert A. Hodges  
Reg. No. 41,074

Date: February 13, 2004

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